

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC A. VOIT

Appeal No. 1998-0015
Application 08/388,058

HEARD: APRIL 18, 2000

Before HAIRSTON, KRASS and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

This is an appeal from the final rejection of claims 1 through 36. After submission of the brief, the examiner allowed claims 9 through 19 and 32 through 36. Accordingly, claims 1 through 8 and 20 through 31 remain before us on appeal.

The disclosed invention relates to a system in which

calls from calling stations to a virtual telephone number are routed to destination stations.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. For use in a system that determines routing instructions for telephone calls to be routed from calling stations within various geographic territories to destination stations when the calls are placed to a virtual telephone number, an arrangement whereby a subscriber for the virtual number can prescribe which destination stations shall receive calls from which geographic territories, comprising:
 - (a) a first database having data relating telephone numbers of the calling stations to geographical indicators of corresponding locations of the calling stations;
 - (b) a processor configured for assigning a relationship between at least some of the geographical indicators and telephone numbers for the destination stations using a graphical user interface;
 - (c) a second database storing the relationship between at least some of the geographical indicators and telephone numbers for the destination stations as assigned by said processor, whereby for each call to the virtual number from one of the calling stations the first database is accessed using a telephone number for the calling station to produce a geographical indicator for the calling station for entry into the second database, and the second database yields

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[sic] a telephone number for a destination stations
servicing the area indicated by the
geographical indicator for inclusion in a routing instruction
for the call.

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The reference relied on by the examiner is:

Moore et al. (Moore)	5,506,897	Apr. 9,
1996		

Claims 1 through 8 and 20 through 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Moore.

Reference is made to the final rejection, the brief and the answer for the respective positions of the appellant and the examiner.

OPINION

The only argument presented by appellant is that column 23, lines 19 through 23 of Moore does not disclose a "graphical user interface" (Brief, pages 6 through 8). According to the appellant (Brief, pages 6 and 7):

Column [2]3, lines 9-13 indicate that "[t]he client . . . provides a detailed street map with the polygon service area of the service location drawn on the street map . . ." Figure 13 shows what the client provides. It is clear that the drawing provided by the client indicated at 640 in Figure 13 refers to a drawing on a physical map designed to communicate to the user of the Moore invention where the boundaries should be placed. It does not imply at all the use of a graphical user interface. The information from the marked up street map provided by the client is entered into the system as described in the portion of the specification referred to by the Examiner, namely, column 23, lines 19-23. This interpretation of column 23 is reinforced by the discussion relating to Figure 4.

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In Figure 4, service area 220 is also shown drawn on a map. For that particular implementation,

The client provides a client service locations file 109 (Fig. 1A) of service locations in machine readable form with information and format as shown in Table 3. The file 109 can be created by, for example, a commonly available word processing program or a database program, and submitted on a floppy disk or other suitable media . . . [column 15, lines 60-65].

The service radius (e.g. 2.5 mile radius from the Mypizza Restorante) of the Moore et al. patent is determined from a centroid table for each zip+4 zip code entry. If the zip+4 is determined to be at or inside the service area radius, a raw client table record is written that includes the zip+4 code, the client telephone number for the instant service location and the distance of the zip+4 centroid to the service location.

Appellant concludes (Brief, page 7) that "[t]here is absolutely nothing in Moore et al. which suggests that a graphical user interface is utilized to define the service area."

In response to appellant's argument, the examiner contends (Answer, page 4) that "the Moore et al. reference does provide for the use of a graphical user interface in that it suggests using a commercially available GIS (Geographic Information System - a computer program that provides visual interpretation of information represented by a coordinate system) such as Infomark for Windows (col. 23, lines 13-25)."

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Inasmuch as an explanation of the GIS system is not present in the Moore patent, and the examiner has not provided such an explanation, we do not have any evidence in the record before us that the GIS system in Moore (column 2, line 66 through column 3, line 8; and column 23, lines 19 through 23) uses a "graphical user interface" in the "linking of the geographic information to telephone numbers."

In summary, the 35 U.S.C. § 102(e) rejection of claims 1 through 8 and 20 through 31 is reversed because the examiner has not presented a prima facie case of anticipation.

DECISION

The decision of the examiner rejecting claims 1 through 8 and 20 through 31 under 35 U.S.C. § 102(e) is reversed.

REVERSED

KENNETH W. HAIRSTON
Administrative Patent Judge

ERROL A. KRASS
Administrative Patent Judge

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KWH:hh

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